

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:) Chapter 11
Romeo Iusco and)
Monica Iusco) Judge Cox
Debtor.) Case No. 09-41945
Hearing: January 27, 2009 at 9:30 AM

NOTICE OF MOTION

To: See attached service list

PLEASE TAKE NOTICE that on January 27, 2010 at 9:30 AM, the undersigned will appear before the Honorable Judge Jacqueline Cox, Bankruptcy Judge, in Courtroom 619, Dirksen Federal Building, 219 S. Dearborn, Chicago, Illinois the Bankruptcy Court for the Northern District of Illinois, Eastern Division, and shall then and there present **DEBTOR'S MOTION TO VACATE THE ORDER GRANTING RELIEF FROM THE STAY AND WAIVING THE TEN-DAY STAY PURSUANT TO RULE 4001(a)(3)**, a copy of which is enclosed herewith and served upon you.

/s/ Forrest L. Ingram

Forrest L. Ingram #3129032
Forrest L. Ingram P.C.
79 West Monroe, Suite 900
Chicago, Illinois 60603
(312) 759-2838

CERTIFICATE OF SERVICE

I, Vik Chaudhry, an attorney, certify that I have served a true and correct copy of the above and foregoing notice and the documents to which it refers on those whose names appear on the attached services list by electronic case filing, or by US Mail, as indicated on the list, on **January 21, 2009**, before the hour of 5 p.m.

/s/ Vik Chaudhry

SERVICE LIST

Via U.S. Mail

Romeo and Monica Iusco
8651 Harms Road
Skokie, IL 60077

Via CM/ECF and Fax

Chuhak & Tecson, P.C.
30 South Wacker Drive, 26th Floor
Chicago, IL 60606
Fax: 312-444-9027

Via CM/ECF

US Trustee

William T. Neary
Office of the United States Trustee
Northern District of Illinois
219 S. Dearborn St., Room 873
Chicago, IL 60604

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**MOTION TO VACATE ANY ORDER GRANTING RELIEF FROM THE STAY AND
WAIVING THE TEN-DAY STAY PURSUANT TO RULE 4001(a)(3)**

NOW COMES the Debtors and Debtors in Possession, Romeo Iusco and Monica Iusco (the "Debtors"), through their attorneys at Forrest L. Ingram, P.C., and move that this Honorable Court vacate any order of January 20, 2010 granting relief from the automatic stay and waiving the ten-day stay pursuant to rule 4001(a)(3), filed on behalf of U.S. Bank National Association ("U.S. Bank"), and in support, states that:

1. On November 5, 2009, Debtor filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code.
2. On January 15, 2010, U.S. Bank filed a motion for relief from the automatic stay, set to be heard on January 20, 2010 (the "Motion").
3. Before the Motion was set to be heard, Debtors' lead attorney was handling another matter in state court at 50 West Washington St, Chicago, Illinois, 60602, which was delayed, and as a result, Debtor's lead attorney was not able to attend the hearing on the Motion.
4. Debtors' lead attorney attempted to contact other associates at Debtors' counsel in order to attend the hearing on the Motion, but the other associates were also attending other matters in various other courtrooms, for other cases.
5. Upon good faith belief, on January 20, 2010, this Court granted the Motion.

6. Debtor and Debtor's Counsel believe, in good faith, that the Debtor has meritorious defenses to the Motion, such as the appraisal value of the equipment, and requests that this Court allow them to present these defenses.

7. In addition, the Debtor may seek to commence settlement negotiations with U.S. Bank regarding the collateral at issue in the Motion.

WHEREFORE, the Debtor and Debtor in Possession pray that any order of the Court from January 20, 2010, granting relief from the automatic stay and waiving the ten-day stay pursuant to 4001(a)(3), be vacated, and that Debtor be given an opportunity to response to U.S. Bank's Motion within fourteen (14) days. The Debtor asks for such further relief as may be just.

Respectfully submitted,
Romeo Iusco and Monica Iusco

By: /s/ Forrest L. Ingram
One of its attorneys

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